

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4931 GIBRALTAR Thursday 13th January 2022

LEGAL NOTICE NO. 5 OF 2022

TRAFFIC ACT 2005

TRAFFIC (PARKING AND WAITING) (AMENDMENT) REGULATIONS 2022

In exercise of the powers conferred on it by sections 89, 91, 92 and 101 of the Traffic Act 2005 and all other enabling powers, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the Traffic (Parking and Waiting) (Amendment) Regulations 2022.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment to the Traffic (Parking and Waiting) Regulations 2011.

3.(1) The Traffic (Parking and Waiting) Regulations 2011 are amended in accordance with this regulation.

(2) In regulation 43—

(a) in subregulation (1)—

- (i) delete paragraph (d); and
- (ii) for “7 days” substitute “24 hours”;

(b) after subregulation (1) insert—

“(1A) Where any vehicle has been parked or permitted to remain at rest in a public place on any land in the open air, or on a road or in a parking place or other place to which the public have access on payment of a fee in such a position or in such circumstances as to appear to an authorised person to have been abandoned, or appears to an authorised person to be derelict or is deemed to be derelict by virtue of sub-regulation (5) below, the authorised person may affix a notice to the vehicle stating that the vehicle will be removed for destruction after 7 days unless removed first by the owner.”;

(c) in subregulation (2), for “The Authority shall publish on at least two separate occasions in a daily newspaper circulating in Gibraltar and once in the Gazette any vehicle removed under sub-regulation (1)” substitute “Where the authority has removed a vehicle, but it is not in such a condition that it ought to be destroyed, the Authority shall publish on at least one occasion in a daily newspaper circulating in Gibraltar and once in the Gazette any vehicle removed under sub-regulation (1)”; and

(d) for subregulation (5) substitute–

“(5) A vehicle shall be deemed to be derelict for the purposes of this Part if–

(a) from its appearance it exhibits a defect, damage or deterioration sufficient to preclude its proper operation on a road in compliance with the Traffic Act 2005 or Regulations made thereunder;

(b) it appears to have remained immobile in the same location for a period of not less than 15 days; and

(c) it does not have a valid road worthiness certificate under the Motor Vehicles Test Regulations 1987.”.

(3) In regulation 44(1), for “within a period of 21 days from the date of the second publication” substitute “within a period of 7 days from the date of publication”.

(4) In regulation 47, for “level 2” substitute “level 3”.

Dated: 13th January 2022.

P J BALBAN,
Minister with responsibility for Traffic.

EXPLANATORY MEMORANDUM

These Regulations amend the Traffic (Parking and Waiting) Regulations 2011.